

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY SCOTT HENRY,

Defendant.

CR-11-24-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on March 28, 2019. (Doc. 68.) The United States accused Gregory Scott Henry of violating his conditions of supervised release by: (1) failing to report for substance abuse treatment; (2) committing another crime; and (3) using methamphetamine.

Judge Johnston entered Findings and Recommendations in this matter on March 29, 2019. (Doc. 72.) Henry waived his right to object to Judge Johnston's Findings and Recommendations. *Id.* at 4. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations.

Thomas v. Arn, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violations prove serious and warrant revocation of Henry's supervised release. Judge Johnston has recommended that the Court revoke Henry's supervised release and commit Henry to the custody of the Bureau of Prisons for a term of 8 months, followed by 36 months of supervised release. (Doc. 78 at 4.) Judge Johnston further recommended that Henry serve the first 6 months of supervised release at a Residential Re-Entry Center in Billings, Montana, if possible. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Henry's violations of his conditions represent a serious breach of the Court's trust. A sentence of 8 months custody, followed by 36 months of supervised release represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 72) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Gregory Scott Henry be sentenced to 8 months custody, followed by 36 months of supervised. Henry shall

serve the first 6 months of supervised release at a Residential Re-Entry Center in Billings, Montana, if possible.

DATED this 1st day of April, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris
United States District Court Judge